ATTACHMENT I

inter**Actual**®

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Invoice

DATE	INVOICE #
2/10/1999	MGM990201

BILL TO
MGM Home Entertainment 2450 Broadway Street Santa Monica, CA 90404 Attn: Accounts Payable

SHIP TO

Acct Manager	P.O. NO.	TERMS	W.O. NO.

QUANTITY	DESCRIPTION	RATE	AMOUNT
1	Software license fee – Ronin	XXXXX	XXXXX
	Total		**XXXXX**

68618/7236

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Getsin, et al.	
Appln. No.: 09/488,337	
Filed: January 20, 2000	
Title: SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR STORING SYNCHRONIZATION HISTORY OF THE EXECUTION OF A MULTIMEDIA EVENT ON A PLURALITY OF CLIENT COMPUTERS	
Examiner: AVELLINO, Joseph E. Group Art Unit: 2143 Customer No.: 22242 Conf. No.: 4283	

DECLARATION PURSUANT TO 37 C.F.R. 1.131 OF EVGENIY M. GETSIN; MICHAEL J. LEWIS; AND TODD R. COLLART

Hon. Commissioner for Patents
Washington, D.C. 20231

Sir:

We, Todd R. Collart, Evgeniy M. Getsin, and Michael J. Lewis, declare as follows:

1. We are the inventors of the invention as variously described and claimed in U.S. Patent Application No. 09/488,337.

2. We declare that the online synchronization system, methods and computer programs (referred to below for simplicity as "system") covered by the pending claims of U.S. Patent Application No. 09/488,337, specifically at least independent claims 1, 7, 13 and 19, was conceived, reduced to practice and tested prior to November 18, 1999. We also declare that at least prior to

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November 18, 1999, we recognized the inventive aspects of the online synchronization system and that the online synchronization system worked for its intended purpose.

3. We note that all dates present on the exhibits attached hereto have been blacked out as pursuant to MPEP 715.07(II); however, we declare that all blacked out dates are dates prior to November 18, 1999.

4. Attached as Exhibit A is a copy of an online article entitled "Editorial: Behind the Scenes of the RONIN Online Event" discussing an online event scheduled by MGM on a date prior to November 18, 1999 that utilizes the online synchronization system invented by us and covered by the pending claims of U.S. Patent Application No. 09/488,337. The article discusses this online event, where the director of the film "Ronin" will address a selection of questions previously submitted by owners of the "Ronin" DVD during a live session. Additionally, the director will provide his perspective on scenes from the film as users simultaneously experience these scenes from the "Ronin" DVD. The technology involved in this event allows the event to be recorded, "so that users can log back on to the website at a later date to re-experience the entire event or see it for the first time, in case they missed it." Therefore, Exhibit A factually demonstrates at least a conception and reduction to practice of the synchronization system as claimed.

More specifically, Exhibit A factually demonstrates a conception and reduction to practice of "providing an event stored in memory on at least one of the client apparatus, wherein the client apparatus and host computer are adapted to be connected to a network" at least on page 1, at about lines 12-13 describing "an event that will take DVD to new heights through the use of the Internet and DVD-ROM's enhanced capabilities" and page 2, at about lines 12-15 where the system "will make sure that the DVD-ROM player is reading and displaying these film elements from the DVD completely in synch with the event. This way every participant will hear and see exactly the same thing while the director's voice is broadcast live over the Internet...." Exhibit A further demonstrates conception and reduction to practice of "storing information on the host computer for allowing a simultaneous playback of the same event from the memory on each of the client apparatuses" for example, at least on page 2, at about lines 17-19 describing that "MGM is able to spawn playback ...

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at any time from their website. It also allows them to record the event ...." Further, Exhibit A demonstrates conception and reduction to practice for "storing content and timing information transmitted during the simultaneous playback of the event at the host computer; and allowing the content and timing to be downloaded utilizing the network for playback of said event and said downloaded content and timing information after the simultaneous playback" for example, at least on page 2, at about lines 19-20 stating "[i]t also allows them to record the event, so that users can log back on to the website at a later date to re-experience the entire event...." Still further, reduction to practice and that the invention worked for its intended purpose was also demonstrated in Exhibit A at least on page 1, at about lines 23-25 where the writers of the editorial were give "a look behind the sense of the upcoming 'Ronin' event .... [and shown] some of the technology that is used to make this online session possible...."

5. Attached as Exhibit B is a copy of another online article entitled "DVD Special Report: MGM's Ronin DVD Goes On-Line" discussing the same aforementioned online event scheduled by MGM on a date prior to November 18, 1999. The article states that "[f]or those unable to participate during the live event, MGM will cache the event to their Internet servers so that it can be played back at a later date by anyone acquiring the RONIN DVD." Therefore, Exhibit B factually demonstrates at least a conception and reduction to practice of the synchronization system as claimed.

More specifically, Exhibit B factually demonstrates a conception and reduction to practice of "providing an event stored in memory on at least one of the client apparatus" at least on page 1, at about lines 8-9 stating that "the RONIN DVD will contain DVD-ROM capabilities that will allow owners of the DVD to participate in a special online event." Exhibit B further demonstrates conception and reduction to practice of "storing information on the host computer for allowing a simultaneous playback of the same event from the memory on each of the client apparatuses" for example, at least on page 1, at about lines 28 where "MGM will cache the event to their Internet servers...." Further, Exhibit B demonstrates conception and reduction to practice for "storing content and timing information transmitted during the simultaneous playback of the event at the host computer; and allowing the content and timing to be downloaded utilizing the network for playback of said event and said downloaded content and timing information after the simultaneous playback"

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for example, at least on page 2, at about lines 28-29 stating "[f]or those unable to participate during the live event, MGM will cache the event to their Internet servers so that it can be played back at a later date by anyone acquiring the RONIN DVD." Still further, Exhibit B factually demonstrates reduction to practice and that the invention worked for its intended purpose at least on page 1, at about lines 30-31 where "MGM's Dave Miller demonstrated to [the writer of the article] how the on-line event would work, showing how content from the DVD would be utilized in conjunction with the live data coming from a connection to the Internet."

6. Attached as Exhibit C is an example of an annotated screen shot of the "Ronin Event" that took place, using the synchronization system invented by us and covered by the pending claims of U.S. Patent Application No. 09/488,337, on a date prior to November 18, 1999 described in Exhibits A and B demonstrating that the event actually took place, that the invention worked for its intended purpose, and that the system at least "stor[es] information on the host computer for allowing a simultaneous playback of the same event from the memory on each of the client apparatuses; stor[es]content and timing information transmitted during the simultaneous playback of the event at the host computer; and allow[s] the content and timing to be downloaded utilizing the network for playback of said event and said downloaded content and timing information after the simultaneous playback" as claimed. The screen shot shows that the Ronin movie is played back, while additional storyboard content is displayed, in addition to director commentary shown in the view below the main movie window depicting and describing the shooting of the scene, along with controls for downloading director's commentary previously recorded.

7. Attached as Exhibit D is a copy of another online article published on TechnologyReview.com, an MIT Enterprise, entitled "Can DVD Catch Up to Its Promise?" describing that the same aforementioned online MGM "Ronin" event actually took place prior to November 18, 1999 and that the online synchronization system invented by us and covered by the pending claims of U.S. Patent Application No. 09/488,337 worked for its intended purpose. More specifically, Exhibit D factually demonstrates "providing an event stored in memory on at least one of the client apparatuses" for example, at least on page 1, at about lines 7-11 describing the online

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event utilizing the "Ronin" DVD. Exhibit B continues to demonstrate "wherein the client apparatuses and a host computer are adapted to be connected to a network" for example, at least on page 1, at about line 9 where "Frankenheimer chatted from the movie's Web site..." Further, Exhibit D demonstrates "storing information on the host computer for allowing a simultaneous playback of the same event from the memory on each of the client apparatuses; storing content and timing information transmitted during the simultaneous playback of the event at the host computer; and allowing the content and timing information to be downloaded utilizing the network for playback of said event and said downloaded content and timing information after the simultaneous playback" for example, at least on page 1, at about lines 10-11 where Exhibit D states "[t]he event is archived at www.mgm.com/dvd/ronin for replay with the disc" (emphasis added). Furthermore, reduction to practice and that the invention worked for its intended purpose was also demonstrated in Exhibit D at least on page 1, at about lines 7-8 where the article describes "[a] good example was the first live DVD online event, earlier this year" (emphasis added), and on page 1, at about lines 10-11 where "[t]he event is archived at ..." (emphasis added).

8. Attached as Exhibit E is a copy of an MGM Annual Report published on MGM's web site that factually demonstrates that the aforementioned online Ronin event using the synchronization system for online synchronization invented by us and covered by the pending claims of U.S. Patent Application No. 09/488,337 was reduced to practice and worked for its intended purpose on a date prior to November 18, 1999. Specifically, on page 2, at about lines 6-10 the Annual Report states "[t]aking advantage of the technology DVD advances, MGM and Ronin director John Frankenheimer recently hosted a first-of-its-kind online event, integrating state-of-the-art DVD and DVD-ROM technology and the internet capabilities" (emphasis added).

9. We declare that the online event discussed in Exhibits A and B did in fact occur on a date prior to November 18, 1999 as demonstrated by Exhibits C, D and E, and the session was recorded and made available to users for download subsequent to the occurrence of the online event and prior to November 18, 1999, as factually demonstrated by at least Exhibits C-E.

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37 C.F.R. 1.131 Declaration

10. The online synchronization system utilized for the online event referenced in Exhibits A, B, C, D and E is the same online synchronization system that we have invented and is covered by at least the pending claims of U.S. Patent Application No. 09/488,337. Thus, prior to November 18, 1999, we fully appreciated the utility of the online synchronization system, reduced it to practice and appreciated that it would work for its intended purpose.

11. We have reviewed the pending claims of the present application, and in particular, we have reviewed independent claims 1, 7, 13, and 19, in view of the online synchronization system described above. Therefore, we declare that an online synchronization system that we invented meeting the elements of independent claims 1, 7, 13, and 19 in U.S. Patent Application No. 09/488,337 physically existed prior to November 18, 1999 and that this online synchronization system worked for its intended purpose and that the invention was appreciated prior to November 18, 1999.

12. As we are advised we must, we hereby declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patents issuing thereon, or any patent to which this Declaration is directed.

_____ Date	_____ Evgeniy M. Getsin
_____ Date	_____ Michael J. Lewis
_____ Date	_____ Todd R. Collart

Attachments: Exhibits A, B, C, D and E

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